

on third readings, it's a very pre-emptory process. On third reading we are going to be considering the constitution as a whole after it has been put into what our rules call final form by the committee on style and drafting, and the reading is really to correct the inconsistencies that style and drafting has come up with as between articles and things like that.

The article is available for amendment. I think that would be very pre-emptory. If we allowed Saturday the 29th for the third reading of the constitutional as a whole, that would be sufficient time. A single day for the entire third reading of the constitution as a whole.

However, and this is where the problem comes in, the style and drafting committee has determined that it will need two full days, Thursday and Friday, to do that final editorial work. It will need two days to rearrange the sections, to find the inconsistencies, to move sections around, to get the typing work done, the proofreading, the conforming of numbers and so forth.

And the convention can't really meet on those two days if we're to do our business both because we have to be in the convention when it's meeting and because that changes that the convention will be making would be very difficult to

incorporate after we've already done part of the work.

MR. CASSELL: Excuse me. Let me interrupt you to say that I think you're beginning a constructive path. I guess you're going to come up with some proposals that would help us to address the problem.

I don't want to do that tonight. I want to see if we can finish the article which is next to be read. I would also like to deal with this at the end of the day tomorrow. Hopefully, at the end of the day tomorrow we will have gotten at least two other articles done, two of those that have not even had their first readings, and I'd like to reserve that.

It is now 9:17. I hope that we're willing to stay here until 11:00 and get as much as we can tonight and schedule on the agenda tomorrow at the end of the reading, at the end of the meeting proposals for getting us out of the difficulty we're in.

I don't want to go any further now. I mean, I really think we need to finish those articles that the people are prepared to read. We can't make any decisions and I certainly don't want to make any decisions tonight.

MR. SCHRAG: May I conclude with a single sentence?

MR. CASSELL: Yes.

MR. SCHRAG: All that I said adds up to this that

in my view, as I understand these rules and the needs of the style and drafting committee, we really have to accelerate as the president says between now and--from now through Wednesday, and we really need to take a break for Thursday and Friday for editorial purposes, and then we can do the third reading on Saturday if we've done our work up to that time.

MR. CASSELL: Thank you. Delegate Freeman.

MS. FREEMAN: Will the committee on local government please come to the front. Delegate Talmadge Moore has the floor.

MR. T. MOORE: I'm Talmadge Moore, and I am substituting for Marie Nahikian on local government. She had to leave early tonight. I will inform the delegates that earlier this afternoon we have gone through the necessary reading and details and answered all the necessary questions in accordance with the rules of this body, and I will move each article for adoption.

Section 1. Madam Chairman, authority for local government units. I move that we adopt this article.

MS. STREET: Second.

MS. FREEMAN: It's been moved and seconded that we adopt Section 1. Authority for Local Government Units. Is

there a discussion on that motion? Delegate Garner.

MR. GARNER: Thank you, Madam Chair. I am concerned with the section that says local government shall not have the authority to zone land. I think that is correct that the zoning of land should be a state decision.

But it is my understanding that, and I hope the committee can clarify it for me, that that does not preclude the legislature from giving the authority to the local government to first hear and review proposals to zone land. But the authority still rests with the state agency, is that what that section means? If it does, I'll be very happy.

MS. FREEMAN: Delegate Moore.

MR. T. MOORE: That is correct. But I will let Delegate Eichhorn explain it. Well, that is correct, sir.

MS. FREEMAN: Delegate Long.

MR. LONG: I move to strike Section 1. Pardon me. I want to defer that. I will just switch it to speak against it to make it simple to defeat it. Essentially, if you defeat the authorization section, we have more or less taken care of the first five sections of this article.

As on the paper I passed out, I believe this article, except for Section 6, has very disabling qualities to it. Sections 3 and 5, as pointed out earlier by Delegate Jackson,



are essentially contracting out provisions that allows jobs to be transferred from the D.C. Government employees to an unspecified kind of budget.

This would adversely affect the unionized labor in the city. Sections 3 and 5 also provide a diseconomy in the operation of service delivery in the city. Imagine if Ward 1 or Ward 6 decided to withdraw from service delivery in the city, the workforces that were providing the services would be working around these holes in the city structure, and the economies of scale that could be realized by having a certain number of trucks, a certain configuration of workforce would be in jeopardy under this kind of arrangement.

And finally, the idea of creating, even though I know it is not mandatory, but the idea of creating local governments within the District of Columbia is going to turn off a great many voters.

We have a compact area. Minor jurisdictions make sense in an area which is extensive, where service delivery is required because a central administration cannot economically undertake it.

But in this kind of a jurisdiction, they are uneconomical and do not make a lot of sense. So I would urge you to vote against this section and destroy this article.

MS. FREEMAN: Would somebody from the committee like to respond, one person?

MR. T. MOORE: We are not going to respond at this time.

MS. FREEMAN: Okay. Delegate Love.

MR. LOVE: Madam Chair, I'd like to move to delete a section of Section 1. I'd like to move to delete from line 4 to line 6, starting with the word "other" at the end of the line, "other than the authority to tax, zone land or enact legislation..."

MS. CORN: Second.

MS. FREEMAN: Delegate Love, would you like to speak to it?

MR. LOVE: Yes. Essentially, we allow the legislature to set up local governments as it may provide by law. It seems to me the legislature should have the flexibility, if in ten or twenty or thirty or forty years to assign to that local government whatever it feels is sufficient and effective.

It's not clear to me that at some point it might not be efficient or effective to have any of these things done by a local area. Therefore, I'd like to leave the legislature as flexible as possible.

They may, indeed, by legislation decide to limit

these things, but at some later date, they may wish not to limit them. I don't think they need to be in the constitution since it says, as it may by law provide, it's good the legislature can decide what things it wants in and what it wants out.

So in terms of flexibility, I would urge that this section be deleted.

MS. FREEMAN: Delegate Barnes.

MR. BARNES: Yes. I have a substitute motion for Section 1 and I'd like to be recognized at the appropriate time. If this is it, then I'd like to move.

MS. FREEMAN: You can make a substitute motion for the entire section.

MR. BARNES: I'll read the substitute motion. It's rather lengthy.

MR. GARNER: A point of order, Madam Chairman. I believe there is an amendment on the floor by Delegate Love and that it would be necessary to dispose of that amendment before a substitute for the entire section is appropriate.

MS. FREEMAN: I do not think so. Delegate Barnes.

MR. BARNES: I'd just like to say I'm not here to cause a lot of disorder and slow down the process but there were some things in the local government article that concerned me.

Let me read my substitute motion.

The only local government units which the state may have are neighborhood commission which shall either have the same boundaries as the state legislative districts or be composed of equal subsets within each legislative district composed of populations which vary by no more than 3 percent from the average population of all units. Each commission shall be composed of at least three commissioners who shall represent districts which are composed of populations which vary by no more than 3 percent from the average population of all districts. These commissioners shall be the only local government officials within the state and shall not receive any wages or salaries. The legislature shall determine the size of the commissions and the commission districts within the above limits. The legislature may provide funds to the commissions but each commission must receive the same amount of funds in a given fiscal period.

The reason that I'm making this motion is because--

MS. FREEMAN: Is there a second?

VOICES: Second.

MR. BARNES: The reason I'm making this motion is I'm concerned about the proliferation of local governments of varying sizes which may begin to compete with the state

government in terms of the allocation of economic resources.

I feel that the sentiment in the convention as well as in the District is to allow the state government to have the ability to implement fundamental social programs. If we have a proliferation of local governments, this will take away from that ability, and that is my reason for making this substitute motion.

MS. FREEMAN: Would the committee like to respond to the motion please?

MR. T. MOORE: Mr. Jordan.

MR. JORDAN: I would feel comfortable with some of these proposals if they were consistent. One is that there is no demonstration or any proof that the committee has assembled that the proliferation of local governments is injurious to the state.

So local governments in and of themselves don't hurt the new state. Now, the question really revolves around the issue of allocation of resources. I think if you read the article you'll see that there are safeguards provided here, and if you read the committee's report, you'll see that there are safeguards provided.

In fact, I think we go a little bit further because we don't talk just about equal distribution of resources, but

we talk about equality of results. That might mean an unequal distribution of resources.

So I think that everyone here should vote this substitute amendment down. It is but a proposal that has been before us before and a legislative guise that is being rehashed now, and I don't think that it offers anything more now than it did when it was first offered.

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MS. FREEMAN: Delegate Corn.

MS. CORN: I would like to move an amendment to the substitute motion.

MS. FREEMAN: Delegate Corn, that would be out of order. On the floor right now we have an amendment and a substitute motion.

MS. CORN: And you can amend the substitute motion. That's what I'd like to do, Madam Chair.

MS. FREEMAN: All right.

MS. CORN: I would like to move an amendment. Wherever you have three people, I'd like to move that to five, to amend it to five.

MS. FREEMAN: First of all, may I ask Delegate Barnes to bring up a copy of his substitute motion to this table. We only have one copy up here.

A DELEGATE: Second to Corn amendment..

MS. FREEMAN: All right. It's been moved and seconded that throughout the substitute motion that wherever there is a reference to three commissioners or what-have-you that it read five.

MS. CORN: May I speak to my motion?

MS. FREEMAN: Yes, you may.

MS. CORN: And to the whole substitute motion.

MS. FREEMAN: You may speak to your motion.

MS. CORN: I would urge this for the delegates for a number of reasons. First of all, if you look at many of the towns in Massachusetts, many of them are governed by local commissioners just as this plan is set up by David. They are nonsalaried. The towns are anywhere from 10- to 18,000 people which is about what this would be because if it is within a legislative district boundary, right now under current population that would give you between 16-, 17,000 people.

If the state grows in population from 656,000 to let's say a million, it will go up to maybe 25,000 in a legislative district. If the population of the state drops to let's say 400,000--

MR. KAMENY: We know but go ahead.

MS. CORN: Excuse me, Mr. Kameny. I have the floor. If the population of the District drops to 400,000, then you

are still talking about a legislative district of roughly 10,000 people.

So this is not a foreign or new or madeup plan. This is a plan that works in everyplace in Massachusetts. New York as a very similar plan, the way they set up their townships, like the township of Hempstead from which Senator D'Amato comes from. I come from that area so I know that well.

This plan is good and logical and well reasoned. It allows a legislative district, a community, to establish their own laws, their own zoning. If they do not want a fast food restaurant next door to a high-rise apartment building or next door to a school and they don't want a slot machine places or a bar next to a school, they can zone it out.

I think it's a very good plan. Here for weeks and weeks we have been talking about giving the power to the people, trusting the people, making government more responsive to the needs of the individuals as opposed to a collective need and the individual is lost.

This is the way to give that kind of responsibility to the people. That is the way to allow each individual to have a say in his or her life. I strongly support David's amendment with the addition of five instead of three.

All of you who have been ANC commissioners know that



unless you trade a lot of favors, you can almost get nothing done because you have no real authority. That's why I urge David's report with the amendment of five from three.

MS. FREEMAN: Delegate Barnes, do you accept that amendment?

MR. BARNES: No, I do not accept the amendment. But I would like to move the question.

MS. CORN: You seconded it though.

MS. FREEMAN: It has been moved. Is there a second.

A DELEGATE: Sure.

MS. FREEMAN: Moved and seconded that we close debate on the Corn amendment. All those in favor of closing debate please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(No response.)

MS. FREEMAN: Debate is now closed. All those in favor of the Corn amendment to the Barnes substitute motion which would substitute in line 5 the word "five" for the word "three".

MR. T. MOORE: Madam Chairman, the committee has not responded to Mrs. Corn.

MS. FREEMAN: If you would like to, yes.

MR. T. MOORE: I will withdraw it.

MS. FREEMAN: All those in favor please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of nays.)

MS. FREEMAN: Abstentions.

(A show of hands.)

MS. FREEMAN: The amendment is defeated. We're now back to the Barnes substitute motion. The next person on my list is Delegate Baldwin.

MR. OULAHAN: Point of order, Madam Chairman.

MS. FREEMAN: Delegate Oulahan.

MR. OULAHAN: Constructively, could we enforce a two-minute rule from now on? Two minutes ought to be enough.

MS. FREEMAN: For debate?

MR. OULAHAN: For debate, no more than two minutes for any speaker, and hopefully less.

MR. LOVE: Move to suspend the rule.

MR. JORDAN: You do not need to suspend the rule. All you have to do is call for the question. If it's two minutes, it's two minutes.

MR. LOVE: Our rules allow five.

MS. FREEMAN: I think that if you would like to enforce

that Delegate Oulahan, you'll have to move to suspend the rules. Would you like to do that?

MR. OULAHAN: I will make the motion because I want to help things along. I move that a two-minute rule be imposed of not more than two minutes be imposed on each speaker.

VOICES: Second.

MS. FREEMAN: Now, this is a motion to suspend the rules. That's a nondebatable motion. All those in favor of the motion please raise you hands and hold them up.

(A show of hands.)

MR. COOPER: Twenty.

MS. FREEMAN: All those opposed please raise your hands.

(A show of hands.)

MR. COOPER: Six.

MS. FREEMAN: Abstentions.

(No response.)

MS. FREEMAN: The motion carries. We are now limited to two minutes of debate on each side. I have a clock. I'm also going to ask for assistance from the delegates on that, on enforcing it.

MS. SIMMONS: Point of clarification, Madam Chair. It was not two minutes on each side. It was two minutes for each speaker.

MS. FREEMAN: Right, Delegate Simmons. That's what I meant to say. Delegate Baldwin has the floor next. We are now on the Barnes substitute motion.

MR. BALDWIN: Madam Chairperson, mine was a point of information from Delegate Moore. In Section 1 you refer to the areas of the state, and I checked the explanation. I didn't see it as defined.

And my only question is you'll leave that up to the legislature. These are just a yes or no.

MR. T. MOORE: That's correct.

MR. BALDWIN: So the legislature will, in fact, define.

MR. T. MOORE: This is right.

MS. FREEMAN: I remind delegates that the motion on the floor is the Barnes substitute motion. Would the committee like to respond to that? The committee has not yet.

MR. T. MOORE: Do you want to speak on it?

MS. EICHHORN: I want to make sure that everybody understands since we don't have copies of the Barnes substitute that it does not address authority for local government units. It only addresses the number of persons who would be elected, their title and the boundaries. It does not give them any authority at all, and therefore, some of Delegate Corn's remarks were misleading, and I wanted to clarify that for the delegates.

It simply says there shall be commissioners. They shall be selected in such manner. They may have money. It doesn't say what they may or may not do at all.

MS. FREEMAN: Delegate Garner.

MR. GARNER: I rise to speak in opposition to the substitute. What the substitute provides for are uniform districts which would change in every reapportionment. The purpose of local government is to provide traditional neighborhood organizations which you are familiar with, which persist over time.

And I don't think we want to have redrawn boundaries right down the middle of traditional neighborhoods. The committee proposal is a good one. I wish to support it as read.

MS. FREEMAN: Delegate Brian Moore.

MR. B. MOORE: Yes, I was going to speak in favor of the Barnes motion but with Ms. Eichhorn bringing up the idea that there was no authority at best, I would like to amend MR. Barnes' motion.

I move that it be included in Mr. Barnes' motion that the district commissioners or these local commissioners have exclusive authority on all local matters as defined by a commission appointed by the legislature.

VOICES: Yes.

MS. FREEMAN: Where is this, Delegate Moore, to be inserted?

MR. B. MOORE: I have no specific area but I would like to attach it to this motion.

MS. FREEMAN: Would you like to speak to your motion?

MR. B. MOORE: Yes. Several weeks ago I represented to you a proposal which consisted of 16 legislators and a local government.

MS. FREEMAN: Excuse me, Delegate Moore. Could you bring a copy of your amendment up to the table, to the secretary?

MR. B. MOORE: Several weeks ago I handed this paper out to you proposing the idea of 16 state legislators and then a local government consisting of seven commissioners per legislative district, giving local authority to these people that would be similar to ANC commissioners.

They would be advisory and they would also have authority over local matters such as selecting the type of recreational equipment in their neighborhood, maybe even having input into books for the schools and things like that.

This way it would give authority as well as advisory capacity to people on the local level. So I strongly support Mr. Barnes proposal, and I would ask you to consider my

amendment to his proposal to lend authority on the local level.

This way it would keep the impression away from the voters in the District of Columbia that we are going to erect lower levels of structures of government that would be very costly and consume the taxpayers money.

So I would ask you to consider my amendment to Delegate Barnes' motion.

MS. FREEMAN: Delegate Barnes.

MR. BARNES: I have to speak strongly against the amendment. It basically eliminates the whole reason I made the original substitute motion. The idea is to limit the economic ability of local governments in order to achieve a higher level of economic unity, and I have to speak against this.

I'm trying to take away local authority not increase local authority, and I think the committee's version is a better way of handling that than the Moore amendment.

MR. BALDWIN: Delegate Brunig.

MR. Brunig. All the previous question.

A DELEGATE: Second.

MR. BALDWIN: The previous question has been called for. Those in favor of terminating debate signify by saying yes.

(A chorus of ayes.)

MR. BALDWIN: Those opposed naye.

(No response.)

MR. BALDWIN: Abstentions.

(No response.)

MR. BALDWIN: The debate has been terminated. We're now voting on Brian Moore's amendment. Those in favor of the Moore amendment signify by a show of hands.

(A show of hands.)

MR. COOPER: Two.

MR. BALDWIN: Those in opposition likewise.

(A show of hands.)

MR. COOPER: Twenty-one.

MR. BALDWIN: Abstentions.

(A show of hands.)

MR. COOPER: Two.

MR. BALDWIN: The amendment was rejected. We are now on the Barnes amendment. Discussion. Delegate Rothschild.

MR. ROTHSCCHILD: I would just like Delegate Barnes to further elaborate on this proposal. I am having a hard time understanding esactly--

MR. BALDWIN: We can't hear you, sir.

MR. ROTHSCCHILD: Excuse me. I would like Delegate Barnes to elaborate a little bit on his proposal since we don't



have it before us in writing it's very hard to comprehend it. It's not clear to me after his last comments exactly what he's trying to do.

MR. BARNES: Basically, you recall my substitute motion in taking the ANC and directing them toward a state legislative district and directing them toward the legislature and providing a way for that commission to have a budget which the legislature may provide.

But basically, we are raising the level of the ANCs. You now have a large legislature. Therefore, we have popular representation so who needs a real local government.

MR. BALDWIN: Delegate Brunig.

MR. BRUNIG: I call the previous question.

VOICES: Second.

MR. BALDWIN: The previous question has been called for. Those in favor signify by saying yes.

(A chorus of ayes.)

MR. BALDWIN: Those opposed naye.

(A chorus of naves.)

MR. BALDWIN: Abstentions.

(A show of hands.)

MR. BALDWIN: The motion carried. We will now vote on the Barnes substitute motion. Those in favor of the Barnes

substitute motion signify by a show of hands.

(A show of hands.)

MR. COOPER: Five.

MR. BALDWIN: Those in in opposition likewise.

(A show of hands.)

MR. ROTHSCCHILD: A point of order. I think we'd save time if the count is obviously going on one--

MR. COOPER: Sixteen.

MR. BALDWIN: Abstention.

(No response.)

MR. BALDWIN: The substitute motion was rejected.

MS. FREEMAN: We are now back to the Love amendment. Is there a discussion on the Love amendment? Delegate Long.

MR. LONG: This reenforces the total unacceptability of this section. Now, we have municipalities in full force with taxing, zoning authority. It's just what we needed to kill off the constitution.

How many people have come to me and said don't dare create anything except one government in this jurisdiction?

MS. FREEMAN: Delegate Garner.

MR. GARNER: I would like to speak in opposition to the Love amendment. I believe the committee has properly set up the procedures by which the local governments can be created,

and they have properly limited the authority in those three areas where there ought to be uniform state provisions. You should defeat the Love amendment and go with the good work of the committee.

MS. FREEMAN: Delegate Coates.

MR. COATES: Madam President, we adopted in our action on the finance and tax articles the prohibition against authority to tax by local governments.

MS. FREEMAN: Is there any further discussion of the Love amendment?

MS. CORN: I would like to speak for it.

MS. FREEMAN: Delegate Corn.

MS. CORN: The reason I would like to speak for it goes back to the zoning issue. I look at the present situation right now in the District of Columbia where the City Council-- where there's a zoning board set up who is appointed and they seem to be totally and completely independent because they are not voted in, and once they're appointed, they do not seem to be answerable to anybody.

And I have seen time and time again as an ANC commissioner and as an officer of my ANC situations that have been detrimental to my community. I'm sure every ANC official in this room could point to the same thing in your neighborhood.

And when you go to the mayor's office, it's, "Well, I can't do anything about it. They're independent. Once they're appointed there is nothing we can do."

Well, I want to be in a situation where if my community does not want a fast food shop or a go-go place, it can effectively and easily route it out, and that's why I would speak for the Love amendment.

MS. FREEMAN: Delegate Thomas.

MR. THOMAS: Call for the question, Madam Chairman.

MR. BARNES: Second.

MS. FREEMAN: It's been moved and seconded that we close debate on the Love amendment. All those in favor please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of nays.)

MS. FREEMAN: Debate is now closed on the Love amendment. All those in favor of adopting the Love amendment which would delete starting on line 4 the words "other than the authority to tax, zone lane or enact legislation" end of deletion please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of naves.)

MS. FREEMAN: Abstentions.

(No response.)

MS. FREEMAN: The amendment is defeated. Delegate Schrag.

MR. SCHRAG: Now that we're back to the main motion I just wanted to state for the record that I don't quite agree with my fellow Delegate Talmadge Moore's response to Delegate Garner's question a few moments ago.

It seems to me the language of the section speaks for itself and is very clear, and it says that local governments local authorities may not zone land. It seems to me the legislature might be able to give them the power to express an advisory view on zoning, but all official zoning decisions, if we pass this article, would have to be done by the central government. and not by neighborhood governments. It seems to me the section couldn't be clearer.

MS. FREEMAN: Delegate Coates.

MR. COATES. Thank you, Madam President. I move to strike line 6, "The Legislature..." and continue striking through the end of line 9.

A DELEGATE: Second.

MR. COATES: The reason that that paragraph is

unnecessary is in light of the phrase in line 6, "...as it may by law provide." I think it adds nothing and helps clean up the section.

MS. FREEMAN: Is there discussion on the motion? Would the committee like to respond? Delegate Eichhorn.

MS. EICHHORN: We wanted to make clear that in order to be chartered as a local government unit there would be some standards established which would have to be met in the local charters.

The standards are to be determined by the legislature because this committee, frankly, was unable to reach a consensus or to feel that we had adequate time to debate all of those issues.

And it seemed to us that it was useful to have this language specifically in here to say that you couldn't become a local government unit just by saying you wanted to become one, that they could set some limitations and probably would set some limitations maybe in terms of size or in some other respects that we felt belonged in legislation and not in the constitution.

Now, you're right that it may by law provide says the same thing, but in terms of the general public understanding this, it is a little clearer this way perhaps.

MS. FREEMAN: Delegate Brunig.

MR. BRUNIG: Yes, I would like to support that. I am not so sure "as may provide by law" covers that. It says they will elect local officials and elect local authorities. I do not think it does what 6 through 9 does where it says the legislature will have control over the criteria of becoming a local government. I think that is important because you may have an area as small as a block deciding to be a neighborhood. That may not fly.

But when we become a state, for example, states constitutionally pass Congress and they met tests to include economic viability. There is a defined geographic area, et cetera. I think those type of tests are probably applicable, and I would like to have the legislature have that in the bill.

MS. FREEMAN: Delegate Graham.

MS. GRAHAM: I don't know whether I agree with this completely. I think we need to put a period "as it may by law provide" or "as provided by law". I do not know whether I would like for the legislature to have ultimate authority for establishing standards or not. I do not think so, maybe have the authority but not ultimate authority for that, especially if we are going to have counties and townships and things or areas of that sort.

I do not know whom I would suggest right now but I certainly would not say the legislature has the ultimate authority for doing that because I think there might be some local units that could still help with that.

MS. FREEMAN: Delegate Thomas.

MR. THOMAS: I call the question, Madam Chairman.

VOICES: Second.

MS. FREEMAN: It's been moved and seconded to close debate on the Coates amendment to delete starting on line 6 the words "The Legislature..." on to the end of the section. All those in favor of closing debate on the motion please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(No response.)

MS. FREEMAN: All right. Debate is now closed. Before we vote on it we will have our General Counsel speak to this.

MR. THOMAS: Thank you. All of you have a copy of my very short report on local government, and it was precisely because of the comment by Delegate Coates that I suggested what I suggested, and this may be a style and drafting problem to word it the right way, but I think that the elimination of this



section might defeat the committee's intent, and that's why I think a better procedure might be for the committee to write up better language to meet its intent and Delegate Coates' concern.

MS. FREEMAN: Delegates, we are now voting on the Coates amendment to delete starting on line 6 the words "The Legislature..." on to the end of the section. All those in favor of the amendment please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of nays.)

MS. FREEMAN: Abstentions.

(No response.)

MS. FREEMAN: The amendment is defeated. Is there further discussion on the adoption of Section 1. Delegate Jones.

MS. JONES: I have really a question and my question is this. Could the legislature deny a community or neighborhood the right to establish a local government?

MS. FREEMAN: Would somebody from the committee like to respond?

MR. T. MOORE: No, Delegate Jones. The people have the right to charter, to submit that information to the

legislature, and there are certain standards and criteria that they have to comply with before it's approved. But the people do have the right to submit for their charter. Does that answer your question?

MS. JONES: No. I'd like to know whether the legislature has the right--you see our board is--

MS. FREEMAN: Excuse me, Delegate Jones. It is impossible to hear in this room. One person has the floor at a time, and that person right now is Delegate Jones.

MS. JONES: Our ward is without a charter from our state committee now because the criteria seems to be like water. It takes the shape of the container, and there's somebody that's head on the committee that doesn't want us to have it. Now, I'm wondering whether or not if we apply if the legislature can fiddle-faddle around and never say that we met the standards and not give it to us. That is my question.

MR. T. MOORE: I think when we get to the next article that may be able to shed some light on this, Delegate Jones.

MS. FREEMAN: Is there any further discussion on Section 1. Delegate Simmons.

MS. SIMMONS: Yes, rather than being enlightened I became confused with the answer that was given by Delegate Moore. If the legislature determines the charter and determines

the conditions under which a body may secure a charter, then the legislature does, in fact, have ultimate authority to determine whether or not a neighborhood may become a local government.

I mean quantities equal to the same quantity are equal to each other.

MR. T. MOORE: That's correct.

MS. SIMMONS: I think.

MS. EICHHORN: What Delegate Moore was speaking to was the fact that the criteria or the standards that are established by the state legislature in Section 2 have to be approved by the voters of the state. Okay? So that that law which they propose which sets the standards, we will all have a chance as voters of the state to approve or reject, and they have to draft something that is approved by the voters.

But you are right. They can only reject a local government unit if it doesn't meet the criteria established by law.

MS. FREEMAN: All right. I am going to call on people who have not yet spoken on Section 1. Delegate Thomas.

MR. THOMAS: I call the question, Madam Chairman.

VOICES: Second.

MS. CORN: A point of information, please.

MS. FREEMAN: Delegate Corn.

MS. CORN: I just want to know from the chair of this committee and the committee since you are not allowed to tax or zone or enact legislation, what do you mean by local authority.

MS. EICHORN: Section 3.

MS. FREEMAN: All right. The question has been answered. It has been moved and seconded that debate be closed on the adoption of Section 1. Delegate Corn, you do not have the floor. All those in favor of closing off debate please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(No response.)

MS. FREEMAN: Debate is now closed on the adoption of Section 1. All those in favor of adopting Section 1 please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of nays.)

MS. FREEMAN: Abstentions.

(No response.)

MS. FREEMAN: Section 1 is defeated. Would you like

to have a vote on that? All right. All those in favor of adopting Section 1 please raise your hands.

(A show of hands.)

MR. COOPER: Fifteen.

MS. FREEMAN: All those opposed to adopting Section 1 please raise your hand.

(A show of hands.)

MR. COOPER: Seven.

MS. FREEMAN: Abstentions.

(No response.)

MS. FREEMAN: Now, Section 1 is adopted. Now, if that is not a lesson to listen to the chair when the chair is announcing that we are voting on something then nothing is a lesson.

c5s2 MS. FREEMAN: We are on Section 2. Delegate Talmadge Moore.

MR. T. MOORE: Madam Chairman, I move that Section 2, Implementation be adopted.

A DELEGATE: Second.

MS. FREEMAN: It's been moved and seconded. Is there discussion on that. Delegate Schrag.

MR. SCHRAG: Madam President, I would like to move a technical amendment suggested by the General Counsel. On

lines 18 and 19 insert the word "or" before the word "until", on line 18, and on line 19 change the period to a comma and add the words "whichever occurs first."

VOICES: Second.

MS. FREEMAN: Would you like to speak to your motion?

MR. SCHRAG: General Counsel just simply points out that the language that the committee wrote is a little confusing, and the committee's intention is just what the General Counsel is suggesting, whichever of these two events occurs first will stop the process, and this language clarifies that.

MS. FREEMAN: Are you speaking for the committee, Delegate Schrag?

MR. SCHRAG: Yes, I am.

MS. FREEMAN: Can we adopt this by consensus, Delegates

VOICES: Yes.

MS. FREEMAN: All right. We have now, on line 18 inserted the word "or" before the word "until", and on line 19 a comma and then the words "whichever occurs first." Is there more discussion on the adoption of Section 2. Delegates Coates.

MS. COATES: It's more in the sense of a question. Is this provision such that the electors are required to adopt a law providing for local government?

MS. FREEMAN: Can somebody from the committee answer that?

MR. T. MOORE: No, Delegate Coates, they have the option to submit a charter for local government.

MR. COATES: Let me otherwise state the question. If, after the 16th try at it, the electors do not adopt it, then it becomes a dead matter?

MR. SCHRAG: That is correct. The eighth try. It is every other year.

MR. COATES: Eight times, every other year. I would move to strike--

MS. EICHHORN: Would you like an explanation of that?

MR. COATES: No, I don't. Delegate Schrag has explained it. I move to strike on line 16 everything from "If..." through the end of Section 2.

A DELEGATE: Second.

MS. FREEMAN: Would you like to speak to that, Delegate Coates?

MR. COATES: It is absurd to me, and I think on the face of it that is clear I trust, and I would not want to say anything else that might reflect upon the good judgment of the committee.

MS. FREEMAN: Would the committee like to respond to that, and then we will continue discussion. Is there any discussion from the committee? Delegate Eichhorn.

MS. EICHHORN: Would you repeat what the motion is?

MS. FREEMAN: The motion is to strike starting on line 16 the last sentence, "If the law is disapproved..." down to the end of that sentence.

MS. EICHHORN: I would like to say that in the little bit of reading that I had time to do on the experiences of drafting state constitutions, I was impressed, Reverend Coates, about the fact that state constitutions tend to be as long as the drafters do not trust the state legislature or state legislators.

And this is a situation in which we do not entirely trust the state legislature. State governments have been reluctant traditionally, historically, 100 percent to grant power to local governments.

They could meet the provisions of the state constitution by drafting something that is so ridiculous that it is rejected and spend the next fifteen years debating what to write again.

Therefore, we are requiring that they come back every other year until they write something that the citizens of the state can live with, and if they write trash more than once people can vote them out of office, and it may take more than one election to do that, and that is why we established 16



years or every other year.

As you know, the City Council was very hesitant to move on ANCs which have no real authority, and ANCs have not been taken seriously. So we saw the potential here for this to be really pushed aside and not properly addressed unless we mandated this kind of action.

MS. FREEMAN: Delegate Oulahan.

MR. OULAHAN: Madam Chair, this is the only provision in the constitution that I know of where somebody has slipped in a sleeper that is going to be with us for 16 years. It shows complete distrust of the legislature and the voters.

A voter would have to vote for it whether they want it on the ballot or not. I think this is completely contrary to any type of a concept of a constitution that is supposed to serve an entire community. This is another one of those special interest amendments that characterize this whole constitution.

I'm for local government but not for that kind of local government.

MS. FREEMAN: Delegate Brunig.

MR. BRUNIG: I want to speak in favor of that rather parochial interest called local government, that special interest. I think it is going to be a very difficult task for this

legislature to write, even if they wanted to write which, given the benefit of the doubt, if they wanted to write a good section on local government, I'm not convinced that the first two years of any state legislature is going to produce that.

Sixteen may sound corky but it may take that long. That's maybe not an unreasonable amount of time. Indeed, this is the way we came out with the referendum in many ways. The referendum is essentially a distrust in the end of the legislature or trust in the people.

There is good and ample presence in the history of the District of Columbia to believe that the legislature does not like to give up power, and indeed, if it's going to be one shot to create or not create local government, there will be a confrontation, I tell you, on the part of the legislation to write something that is so weak or so outlandish that it would be voted down on the full expectation it would be the end of the issue.

So you may want to quibble about the 16, but I do not think you should quibble about the necessity to allow some time period to stipulate until there is a decision one way or the other on local government.

MS. FREEMAN: Delegate Love.

MR. LOVE: I would like to point out that the voters

already have an issue of referendum. The can certainly take care of these laws. I would like to move the question.

MR. THOMAS: Call the question, Madam Chairman.

MR. BARNES: Second.

MS. FREEMAN: It's been moved and seconded that we close debate on the Coates amendment. All those in favor of closing debate please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(No response.)

MS. FREEMAN: All right. Debate is now closed.

The Coates amendment is to strike the last sentence in Section 2. All those in favor of the Coates amendment please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of nays.)

VOICES: Division.

MS. FREEMAN: To be fair we will have a show of hands.

All those in favor of the Coates amendment please raise your hands.

(A show of hands.)

MR. COOPER: Seventeen.

MS. FREEMAN: All those opposed.

(A show of hands.)

MR. COOPER: Nine.

MS. FREEMAN: Abstentions.

(A show of hands.)

MR. COOPER: One.

MS. FREEMAN: The Coates amendment is adopted. Is there further discussion on Section 2. Delegate Corn.

MS. CORN: Yes. Now that we have eliminated the second sentence altogether I'd like to eliminate part of the first sentence. I would like to eliminate or delete the words on the first page on line 15, put a period after the word "Legislature" and delete everything else on line 15 and on line 16 on page 2. So it will now read:

A law implementing this article shall be passed by the legislature within two years of the convening of the first state legislature.

MS. FREEMAN: Is there a second to that? (No response.) Is there a second to that? (No response.) Is there a second to that? (No response.) The motion is defeated for lack of a second. Is there any further discussion on Section 2? Delegate Barnes.

MR. BARNES: Call the question.

MR. THOMAS: Second.

MS. FREEMAN: It's been moved and seconded that we

close debate on Section 2. All those in favor please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed?

(No response.)

MR. FREEMAN: Debate is closed on Section 2. All those in favor of adopting Section 2 as amended please say aye.

(A chorus of ayes.)

MS. FREEMAN: Opposed.

(No response.)

MS. FREEMAN: Abstentions.

(No response.)

MS. FREEMAN: Section 2 is adopted.

Delegate Talmadge Moore.

MR. T. MOORE: Madam President, I move the Section 3, Service Delivery, be adopted.

MS. FREEMAN: Is there a second.

A DELEGATE: Second.

MS. FREEMAN: It's been moved and seconded that we adopt Section 3. Is there a discussion on that? Delegate Brunig, you had an amendment to that?

MR. BRUNIG: Yes, I have an amendment which I wish the secretary would read if he would.

MR. COOPER: Where would you like to add this

amendment.

MR. BRUNIG: This would go on the end of Line 27. It would say the delivery--would you pick it up from there?

MR. COOPER: The deliverance of such services shall be at appropriate union wages and benefits and not result in a loss of jobs.

MS. FREEMAN: Is there a second to that? Did everybody hear it? Would you repeat it again, please?

MR. COOPER: The deliverance of such services shall be at appropriate union wages and benefits and not result in the loss of jobs.

ASDELEGATE: Second.

MS. FREEMAN: Is there discussion? Delegate Brunig.

MR. BRUNIG: If I could speak to it, it is appropriate prevailing union wages and benefits. Very simply we are allowing in Section 3, as far as I can tell, the distinct possibility of local governments to contract out their services.

And as I understand it, they would be given money from the state government to deliver services. That means they could contract out. While there's a lot to be said for that possibility, one of the things that I do not think can be said for it is that we allow the contracting out of services to essentially lead to hire the people at nonunion wages,

indeed at minimum wage perhaps; to hire people who have no health protection; no safety disability provisions, and that essentially they do not reduce the workforce.

Very simply I am saying we are allowing you the possibility of doing that in the way you want to do it, including hiring local residents if need be, but we are saying that you cannot use this as a tool to exploit, a tool to mistreat, and you cannot use it--you could possibly use it, no matter how this is written, as a possibility of keeping unions or weakening unions.

If you are going to weaken unions, you do not have the incentive of doing that by providing them with less benefits, less health care than what they are provided already.

MS. FREEMAN: Would the committee like to respond? Delegate Eichhorn.

MS. EICHHORN: I'm just speaking for myself and not the committee, but I'm opposed to this. I think we have to remember that, first of all, there is a tendency in the District government and governments around the country to contract out services. There's been an increasing movement in that direction, and I don't think we should preclude local government units from doing that, just as the District government isn't precluded.

I think there are a number of issues that have to be--that must be addressed when that kind of an issue is debated. I don't believe in the state constitution that we should put something that is really legislation, which broadly says no, not under these circumstances, not always.

Also, many of the persons who work for the District Government, as you are well aware, are not District residents. I'm not sure that by transferring contracting with minority contractors that we aren't serving more residents of the city with jobs than we are today with some of the existing arrangements.

Are you having trouble hearing me?

MR. BRUNIG: I'm having trouble believing that you are talking to what I said.

MS. FREEMAN: Delegate Brunig, you are not in order.

MR. BRUNIG: Well, she directed a question to me. I'm sorry.

MS. EICHORN: I think it is wrong to put it in the constitution. I think it should be left to the legislature or to the local units who are responsible to the electorate.

MS. FREEMAN: Delegate Corn.

MS. CORN: I would have to agree with Delegate Eichhorn but for different reasons. Let us say that a local



government can be set up in an area that is roughly 10,000 which might be 2500 families, and that 2500 families decides since they live one mile from the state dump or the city dump or the township dump or whatever, that they are better off buying one truck and taking turns over a rotating period like a cooperative of driving that truck and collecting garbage once a week, and using that extra money to create extra programs in the evening for their kids to take extra courses or have whatever, extra jobs or to create a local newspaper or something like that.

Should they be forced into a situation of spending the funds exactly as they would be expended by the state? Then what is the point of the local government?

MS. FREEMAN: Delegate Thomas.

MR. THOMAS: Madam Chairman, I would like to speak in favor of Delegate Brunig's proposal. The reason I speak in favor of it, just last month where I work in the Department of Interior there were 150 people who cleaned that building.

Overnight the General Services gave a contract to a cleaning outfit who said we are going to get all of the union people out of here. Overnight 150 people lost their jobs, who had been working for 15 to 20 years because of the General Services Administration contracting out to nonunion help.

I worked with those people very hard and tried to have a press conference in front of the Department to embarrass the Secretary of Interior because of the policies against labor. They made an agreement that they would rehire the people, and as of this day, none of them have been hired.

So I want to speak in favor of Delegate Brunig's amendment on those grounds.

MS. FREEMAN: Delegate Cooper.

MR. COOPER: I would like to speak against the Brunig amendment. Mr. Thomas just pointed out he's in favor of it because it solves a personal problem that he has encountered, and I think too many times we're trying to put language in this constitution to solve personal problems that my brother-in-law had in 1967 or that we encountered while we were in school last year.

I don't think the constitution is the place for grips and grievances. Furthermore, Mr. Brunig's motion is a noble amendment. However, I think the committee has already beat you to the punch. We've got this in our constitution already. We've got a provision for a minimum wage.

We have a provision for the legislature to provide for the dignity and welfare of labor. We have an agency that is already established that will provide an oversight

to make sure that these labor organizations are not given incorrect treatment. We already have extensive amounts of collective bargaining and protection for labor.

I think by putting anything further in the constitution it is just overkill, and I think in that overkill we overkill our constitution. So I would urge you to vote against the Brunig amendment.

MS. FREEMAN: Delegate Nixon.

MR. NIXON: I move the previous question.

A DELEGATE: Second.

MS. FREEMAN: It's been moved and seconded to-- Delegate Eichhorn, you had an opportunity to speak on this.

MS. EICHHORN: A point of order. The legal counsel wanted to speak and another committee member had requested to speak.

MS. FREEMAN: I will do that. We will have you speak first, Mr. Thomas, the General Counsel.

MR. THOMAS: I have serious legal problems with the amendment. First of all, I don't even know if it's enforceable to say that it wouldn't cause a loss of jobs. I don't know how that would be determined and how it could be enforced.

As far as forcing someone through the constitution to pay union wages, I think the phrase is general. What union

wages? Who? Where? And I think it's a matter probably fit for another forum. I think it would cause legal problems. I think it would cause serious legal problems.

MR. BRUNIG: Mr. Thomas--

MS. FREEMAN: The debate has been closed. Delegate Brunig you had an opportunity to speak to your motion at the beginning of this debate.

MR. BRUNIG: Legal counsel talked about the motion. I was wondering if he would accept the words of appropriate prevailing union wage, which I think goes by what the standard is and appropriate goes to the actual type of job, i.e., sanitation if you're in the sanitation you get paid the same union wage as people in that.

MS. FREEMAN: Mr. Thomas, were you aware of that language in the amendment?

MR. THOMAS: Yes. I still have problems with it, because I think it may raise an equal protection argument from the people who are not in the union.

MS. FREEMAN: Thank you. It had been moved and seconded to close debate on this amendment. All those in favor of closing debate--

(A chorus of ayes.)

MS. FREEMAN: It had been moved and seconded to close

debate before you had your hand up. You're out of order.

All those in favor of closing debate please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of nays.)

MS. FREEMAN: All right. Debate is now closed on the Brunig amendment which would read at the end of Section 3:

Deliverance of such services shall be at appropriate prevailing union wages and benefits and not result in the loss of jobs. All those in favor of adopting the Brunig amendment please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of nays.)

MS. FREEMAN: Abstentions.

(No response.)

MS. FREEMAN: The amendment is defeated. Is there further discussion on Section 3? Delegate Coates.

MR. COATES: Thank you, Madam President. I am opposed to Section 3. I don't know what specified public services are, but those which come immediately to mind pose some problems if they become fragmented in the manner that I understand this provision to allow.

I do not know whether it means we could cost out what a sprig of trees requires as a cost factor or snow removal or police and fire service or trash collection. I do not know whether it is possible to cost out an amount and I did not know what happens to a system that is a system of service delivery, let us say, such as trash collection if we eliminate certain components of it, what happens to the city's capability to provide that service to local districts that opt to maintain the provision by the state.

It, at worst, seems to me to allow an unequal and inequity in the distribution of services upon which the citizens are dependent, and I urge that we do not adopt Section 3.

MS. FREEMAN: Delegate Brian Moore.

MR. B. MOORE: Yes, I rise with a little bit of embarrassment because I am going to reverse myself. Originally I voted against Section 1, but after reading and thinking and listening I suddenly realized that there is potential here for implementing some of the ideas that I was trying to promote here--the idea of a local level of government but not necessarily a municipality, the idea of minimizing costs for taxpayers, the idea of bringing authority to the local level, all those exist potentially in this provision, and the fact that the voters will be able to vote on it, I support strongly this provision.

MS. FREEMAN: Delegate Charles Mason.

MR. C. MASON: I would just point out an example in a nearby location. The county of Montgomery in Maryland has a police department. The city of Takoma Park however prefers to have its own, using its own and the county of Montgomery police, although t-ey have jurisdiction in Takoma Park, don't normally patrol in it, and there are two or three other functions that Takoma Park prefers to do itself, which in the rest of the county, such as Silver Spring, is done by the county. There is nothing terrible about Takoma Park.

MS. FREEMAN: Delegate Love, did you have your hand up?

MR. LOVE: I rise to speak briefly against this amendment. It is legislative. It seems the committee first decided it does not want to be specific and then all of a sudden it is specifying things. I vote against it.

MS. CORN: A point of information.

MS. FREEMAN: Delegate Corn.

MS. CORN: I would like to ask something of the committee. If we voted to delete Section 3, when I asked earlier under Section 1 what kind of local authority did you mean--if a local government was set up, what kind of local authority could it exercise, Delegate Eichhorn said it's specified in Section 3.

If we delete Section 3, if we vote to delete Section 3, then would you please explain in Section 1 what you meant by local authority? I would really like to understand that before I vote.

MS. FREEMAN: Delegate Schrag.

MR. SCHRAG: Note the word "shall" in Section 3. This is a very important word. If local authority is authorized under Section 1, if we have section 3 in the law, then that local authority must include at least this power that's listed in Section 3.

If Section 3 were to be deleted, then the legislature would still be able to grant this authority to local communities but it would not be required to do so. Section 3 is a minimum grant that must be included.

MS. CORN: But what you are not making clear to me is what other kinds of local authority is there? Just ANCs?

MR. T. MOORE: You have to read the last part of Section 6 when we get to it, the last two or three lines.

MS. FREEMAN: Delegate Barnes.

MR. BARNES: For reasons I have already stated, I would like to see this section deleted because it emphasizes the fact that local governments will be independently developing their own services, their own local jurisdictions. These



will be unorganized. They will not be able to coordinate with other services in the state. They will cause inefficiency and there also is the problem in terms of the labor unions which I think has been addressed in this discussion so I am opposed to adopting this section.

MS. FREEMAN: Delegate Jordan.

MR. JORDAN: Thank you, Madam President. When there was talk in this convention hall a couple of weeks ago about grandfathering in the present judges, we heard a loud cry from certain delegates to this convention.

Yet today they propose treatment for a group of government employees which they condemn for a group of other government employees. If we should prohibit the grandfathering in of judges, we should prohibit the grandfathering in of all.

By any definition and by any dialectical analysis government employees regardless of their service, of the services which they perform are considered petty bourgeoisie. A rose by any other name smells the same.

Now, some would say that anyone who opposes this amendment would be antiunion, anti-worker or anti-organized labor, but I say that this amendment, if it's passed, would not be proneighborhood, would not be proself-determination.

Why should organized labor define the nature and the

degree of self-determination which we are to receive--

MS. FREEMAN: Delegate Jordan, I think you are speaking to an amendment that was defeated.

MR. JORDAN: I'm speaking in favor of the amendment that we've got.

MS. CORN: Is the two minutes up?

MR. ROTHSCCHILD: A point of information. What is before us now?

MS. FREEMAN: What is before us is Section 3. Many people are confused because you referred to an amendment. Are you speaking in favor of Section 3?

MR. JORDAN: Yes, I'm speaking in favor of Section 3. There is some opposition to it.

MS. FREEMAN: You have the floor for that. I was confused because I heard you refer to an amendment.

MR. JORDAN: No, I didn't say anything about an amendment.

MR. JORDAN: Why should organized labor determine the self-determination that we receive. There is no way that the freedom that neighborhoods will be able to express should be hindered.

We should not be dictated to by people that don't live in the state or much less live in our communities. We

know the experiences that we have with police that don't live in the city, and I've seen the interference in our local affairs by organized labor when the city tried to assure affirmative action in the fire department, and they ran into a congressman from Virginia and we got our tails whipped and hired a hundred firefighters who neither lived in the city one year ago nor comply with our present D.C. law and live there today.

Now, there's been a lot of talk about this denying to certain individuals certain rights. I don't think it does that. It allows the local authorities to contract with the city for services if they want to.

But the more important thing, and I think is something we need to keep in mind, what kind of local government will you have if the local government can't do anything.

MS. FREEMAN: Delegate Eichhorn.

MS. EICHORN: I would like to address some of the questions that Delegate Coates raised. Delegate Coates, you spoke, and other delegates, too, about inefficiency, economy of scale. These were issues that we discussed with District Government people.

But I think we were most impressed because we went into hearings with a watered down version of no local government

called something else, and the persons who testified before us seriously rejected it one by one. We had mayors from local communities in this area who came in and said, "We're small communities of 10-, 15-, 20,000, and we deliver services far better than larger entities do."

This provision would allow for the contracting of services with private entities. It would also allow for the contracting of services from the state government so that if you needed a large piece of equipment in a small area, you could contract to have the state provide that service to you where a large piece of equipment couldn't be purchased by every locality.

Also, the state legislature will decide which service areas, service delivery areas local governments can handle. That's not spelled out in here. That was in the purview of the state legislature. They can say local governments cannot do trash collection but may do recreation programs or cannot do health programs but may do street cleaning. That is not spelled out in here.

We're saying that they can do service delivery but not saying what kind.

MS. FREEMAN: Delegate Long, you had your hand up a long time ago.

MR. LONG: I pass.

MS. FREEMAN: Delegate Thomas.

MR. THOMAS: I call the question.

MR. LONG: Second.

MS. FREEMAN: It has been moved and seconded to close debate. All those in favor please say aye.

(A chorus of ayes.)

MR. FREEMAN: Opposed.

(A chorus of nays.)

MS. FREEMAN: All right. Debate is still open. Delegate Coates.

MR. COATES: There is a very critical matter, Madam President, and that is the matter of creaming off profitmaking public transportation service. Under this provision--

MR. STREET: Would you repeat that please?

MR. COATES: The problem of skimming off the cream profitmaking segments of our mass transit system. That is a public service. That is a service, and if that happens, that would play havoc with the capability of Metro to deliver services across the city, especially to those areas that are mass transit dependent.

One of the upsetting imbalances in the metropolitan area in general is the tendency for some local jurisdictions

to do that. I see that problem replicated within the District of Columbia by local governments subcontracting, opting out of the state system and subcontracting to provide their own public transportation and wreaking the capability of the state to provide it. That's a demonstrated and well documented problem, and I do not see this section doing anything but allowing that to happen in the new state.

MS. FREEMAN: Would the committee like to respond to that?

MR. JORDAN: I'm glad we shifted from one argument and we got to another one now. Now it becomes the services. If you read the article, Section 3, you'll see that the local authorities may be permitted to receive appropriations in lieu of specified public services. Okay.

Now, that's the first thing. So who is going to specify, and it's going to have to be the state. The second point is we all understand it, in fact, Delegate Love has risen this evening to remind us of this fact that any legislation which is passed by the legislature, if it were going to transfer that type of service which you are concerned about from the state to the local jurisdiction, there would have to be a 90-day period in which that legislation laid over before it became effect, at which time--there ain't said anything

when you hollered and screamed.

MS. CORN: I didn't have a microphone to holler and scream into.

MR. JORDAN: God save the Queen. So anyway, I'm saying that that 90-day layover period would provide an opportunity for the residents of this city to gather enough petitions for referendum to vote down that transfer.

So I don't think there's any danger here. You know, we're trying to create issues, Trojan Horses, what-have-you. We're seeing problems where they don't exist. I would just hope since we kind of dealt with this for a little while that we vote this up.

And it is very clear, any actions that are going to transfer appropriations are going to be provided through legislation by law, and that is going to have to be subject to review of the citizens of the city. So I think there are builtin protections.

MS. FREEMAN: Delegate Rothschild.

MR. ROTHSCILD: I'd like to speak in favor of deleting Section 3 for the following reason. One, the fact that other mayors or local officials may have spoken to what works well in their particular state, it may not apply to our situation.

Although we are going to be a state hopefully, our state is going to have a unique character to it in the fact that it is basically designed as a city.

The other reason for voting it down is that by voting it down we don't necessarily throw it out forever. In other words, it is still possible for the legislature to consider this aspect and to consider including this in their system of local government.

What we are doing by voting it down is we are not commanding them to include this in this system. I would like to give them--I mean, the local government thing is a problem anyway. We don't have the time to really work out the details to it.

So to pick one little particular thing that we think should be in there and command them to throw it in there, I don't think we should do it. I think we should give them a tabula rasa as much as we can on this point and allow them to construct it from nothing or as little as possible. Thank you.

MS. FREEMAN: Delegate Nixon.

MR. NIXON: I move the previous question.

VOICES: Second.

MS. FREEMAN: It has been moved and seconded that we



close debate on Section 3. All those in favor please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of nays.)

MS. FREEMAN: Debate is closed on Section 3. All those in favor of adopting Section 3 please raise your hands and keep them up.

(A show of hands.)

MR. JONES: A point of order, Madam Chairman.

MS. FREEMAN: We've already voted on the Coates amendment a long time ago.

MS. JONES: Well, I can ask a question.

MR. COOPER: Eleven.

MS. FREEMAN: All those opposed to the adoption of Section 3 please raise your hands and keep them up.

(A show of hands.)

MR. COOPER: Twelve.

MS. FREEMAN: Abstentions.

(No response.)

MS. FREEMAN: The motion is defeated. Section 3 is defeated--is deleted I guess I should say. Now, it is twenty-five of 11:00 and before we continue, I would like to determine whether we are in general agreement that we are meeting

tomorrow starting at 8:30 in the morning, and if we are in agreement that we're doing that, how many of us plan to come.

(Simultaneous discussion.)

MS. FREEMAN: Was that just one Friday that we agreed to meet all day? Okay. So the way we're scheduled right now we're meeting at 4:00 tomorrow afternoon. All right.

MR. BALDWIN: Madam Chair, are you getting ready to adjourn? I just wanted to say something on behalf of the committee.

MS. FREEMAN: I think that we could probably do one more section if we are disciplined. Delegate Moore.

MR. T. MOORE: Madam President, I move the adoption of Section 4, Charters.

A DELEGATE: Second.

MS. FREEMAN: It has been moved and seconded that we adopt Section 4. Is there discussion on that? Delegate Long.

MR. LONG: I think it is a good idea to do this because I would like to have formal control now that we passed Section 1 which I opposed. I think we should be consistent. The language in here is a real mess in this section. There are words missing. I do not know what the next election is.

To whom does this business about established procedures to petition, who are they petitioning to? State? Are they

petitioning to the population? There is no explicit statement in here that the state must approve this charter. I think it needs a real reworking before it makes any sense.

MR. T. MOORE: This reference here where you say they are petitioning for a charter, the commission for a charter. It's actually the actions of the people of a specific area, and they are in compliance with the legislature. I don't see anything wrong with this language if you read it with some degree of understanding. I don't see anything at all wrong with this language.

MS. EICHORN: The point that I think you were addressing is that when a group of people decides that they would like to create a local unit of government, they would propose in a petition what the boundaries would be and how many members--

MR. LOVE: A point of order. The committee is only allowed to have one person speak at a time.

MS. FREEMAN: Thank you. It is a well-taken point. Delegate Baldwin.

MR. BALDWIN: I concur with Delegate Long. Therefore, I move we strike on line 33 "...to elected at the next regularly scheduled election for the purposes of drafting a charter for a proposed local unit of government. Charters shall include

provisions for a charter amendment process and for a process by which neighboring areas may later be considered for inclusion in the local government unit.

MS. FREEMAN: Is there a second?

A DELEGATE: Second.

MS. FREEMAN: Delegate Baldwin.

MR. BALDWIN: As Delegate Long has said, you are continuing to tell the legislature how to do it or when to do it. The commission has stated that they shall provide procedures.

MS. FREEMAN: Is there discussion on Delegate Baldwin's motion? Delegate Eichhorn.

MS. EICHHORN: The purpose of the language and the intention of the language was to provide that when a group of people who might be ANC commissioners or a civic association or a combination thereof wanted to establish a local unit of government they would petition the residents of the boundaries that they identified on the petition to sign it, asking for the election of a charger commission.

The state legislature would draft legislation to deal with all of the requirements, how many signatures, how you do it and so forth. But suppose Wes Long and I decided we wanted a local government unit that included our two ANC

area which are contiguous.

All right. We would get a petition, go around and get people to sign it. Then at the next election, the residents of that area, whatever it is, would vote on whether or not they they wanted to elect a charter commission.

The charter commission would draft a charter which would be submitted to the voters and have to be approved by the state legislature as meeting the criteria or standards that they have established.

That enables each local area to decide individually how they want their local government to be shaped. They are different neighborhoods with different ideas, and we decided that every area should make some decisions on its own within the parameters of the state legislature's guidelines.

MS. FREEMAN: Delegate Cooper.

MR. COOPER: Madam Chair, in the interest of time and in the interest of trying to spare the delegates from lengthy debate on Section 4, I move to table Section 4 or rather I move to postpone Section 4 until the next session.

A DELEGATE: Second.

MS. FREEMAN: That is a debatable motion. Is there debate on that motion? Delegate Simmons.

MS. SIMMONS: I have a question. Could you tell me?

I had not looked out here. Did you see other people wanting to debate this issue following the amendment made by Delegate Baldwin? Did you have a series of people to speak?

MS. FREEMAN: I was actually at that point trying to read the words that Delegate Baldwin was moving to delete.

MS. SIMMONS: I saw no hands but I admit there could be some I didn't see. It is my sense that we could act upon this and consummate it tonight. I would certainly entreat my colleagues to let us finish something one time.

VOICES: Second.

MS. FREEMAN: This is a motion that people can vote on and it's also a debatable motion. So I would like to bring it to vote. It has been moved and seconded that we postpone consideration of Section 4 until we meet again tomorrow evening. All those in favor of that motion please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of nays.)

MS. FREEMAN: The motion is defeated. Who had the floor? Delegate Simmons.

MS. SIMMONS: I would like to move the previous question on the amendment before us.

A DELEGATE: Second.

MS. FREEMAN: It's been moved and seconded that we close debate on Delegate Baldwin's amendment. All those in favor please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of nays.)

A DELEGATE: What is before us?

MS. FREEMAN: The vote before us is the Baldwin amendment to delete starting on line 33 after the comma delete the follow words "...to elected at the next regularly scheduled election for the purposes of drafting a charter for a proposed local unit of government." End of deletion.

MS. STREET: That should be "to be elected".

MS. FREEMAN: To be. I guess that was a typo. All those in favor of the Baldwin amendment please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of nays.)

MS. FREEMAN: Abstentions.

(No response.)

MS. FREEMAN: The Baldwin amendment carries.

Is there further discussion on Section 4?

MS. SIMMONS: Move the previous question.

A DELEGATE: Second.

MS. FREEMAN: It's been moved and seconded that we close debate on Section 4. All those in favor please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of naves.)

MS. FREEMAN: The motion carries. We are now voting on Section 4. All those in favor of adopting Section 4 please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of naves.)

MS. FREEMAN: Abstentions.

(No response.)

MS. FREEMAN: Section 4 is adopted.

MR. ROTHSCHILD: Point of order.

MS. FREEMAN: Delegate Rothschild.

MR. ROTHSCHILD: We always get into this 11th hour shuffle where the last few things go--

MR. LOVE: This is not a point of order, Madam Chair. It has nothing to do with parliamentary procedure.

MS. FREEMAN: Everything has moved precisely according to the rules, Delegate Rothschild.



Delegate Moore.

MR. T. MOORE: Madam President, I move the Section 5, Special Districts, be adopted.

VOICES: Second.

MS. FREEMAN: It's been moved and seconded that we adopt Section 5, Special Districts. Is there a discussion on that? Delegate Barnes.

MR. BARNES: Really I do not see why this section needs to be included in the local government section. I think one of the things that those who are seeking pet projects fear most is the creation of special districts.

The legislature is going to do this anyway. I think having it in here just adds more emphasis. I am for deleting this section.

MS. SIMMONS: I second the motion.

MR. BARNES: Well, if we vote down the section it is the same thing.

MS. FREEMAN: That makes a good deal of sense. It's really an up or down section anyway. Delegate Long.

MR. LONG: I agree that we should knock it out. If you look at the committee's report under Special Districts on page 7, it says, "The intent is to provide a mechanism for the decentralization of service delivery."

I think we already had this debate in Section 3 to knock it out.

MS. FREEMAN: Delegate Talmadge Moore or somebody from the committee, would you like to respond.

MR. T. MOORE: Madam President, I don't think this is redundant or repetitious. I just can't conceive of a legislature without having the power to create special district. So I move the delegates oppose this amendment.

MS. FREEMAN: Delegate Cooper.

MR. COOPER: I think that this section need not be in our constitution. I think if we stay silent on it it is assumed in the power of the legislature. We do not need extra language to say so. The legislature knows what to do. I am sure they will do it if they must.

MS. FREEMAN: Is there anyone else who wants to speak in favor of the section? Delegate Simmons.

MS. SIMMONS: I wish to associate myself with the previous remarks.

MR. LOVE: I would like to move the previous question.

VOICES: Second.

MS. FREEMAN: It has been moved and seconded that we close debate on Section 5. All those in favor please say aye.

(A chorus of ayes.)

MS. FREEMAN: Those opposed.

(No response.)

MS. FREEMAN: Debate is closed on Section 5. All those in favor of adopting Section 5 please say aye.

(A chorus of ayes.)

MS. FREEMAN: Those opposed.

(A chorus of nays.)

MS. FREEMAN: I am going to have a handshow on that. All those in favor of adopting Section 5 please raise your hand and keep them up.

(A show of hands.)

(Simultaneous discussion.)

MS. FREEMAN: Delegates, we are voting. We had a number of problems voting in the past. The only way we're going to avoid them is for everybody to shut up while we are voting.

MR. COOPER: Fourteen.

MS. FREEMAN: All of those opposed to Section 5 raise your hands.

(A show of hands.)

MR. COOPER: Nine.

MS. FREEMAN: Abstentions.

(No response.)

MR. COOPER: Fourteen for, nine against, no abstentions.

MR. T. MOORE: Madam President, I move the Section 6, Advisory Neighborhood Commissions, be adopted.

A DELEGATE: Second.

MS. FREEMAN: It's been moved and seconded that we adopt Section 6. Is there discussion on that? Delegate Long.

MR. LONG: I would amend Section 6 by deleting the last sentence starting on line 54 with the words "The Legislature..." and going to the end of the section.

VOICES: Second.

MS. FREEMAN: Delegate Long, discussion.

MR. LONG: I am doing this for a couple of reasons. One is to make it consistent with the power of the legislature. I am concerned that the advisory neighborhood commissions can be knocked out in unchartered areas of the state. I would like to see them persist wherever they happen to be.

We do not need language in there to modify the structure of the legislature under the present law which will be carried over certainly. The legislature certainly has the power to do that.

The advisory neighborhood commissions were set up in what amounted to a referendum at the same time the home rule

act was adopted and self-imposed. They should have a standard which is parallel to that of the state legislature. However, they are subject to modification, that is, laws passed affecting the way they operate, and I do not want to have them automatically knocked out because they're in an unchartered area.

MS. FREEMAN: Delegate Schrag.

MR. SCHRAG: I'm not sure Delegate Long was reading this correctly. Delegate Long, the section provides for these ANCs to continue in the unchartered areas of the state.

MR. LONG: Then I read it wrong. I withdraw my amendment.

MS. FREEMAN: The amendment is withdrawn. Is there further discussion on Section 6. Delegate Simmons.

MS. SIMMONS: I was going to move the previous question.

A DELEGATE: Second.

MS. FREEMAN: It has been moved and seconded that we close debate. Delegates, we have not yet adjourned. It's been moved and seconded that we close debate on Section 6. All those in favor please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(No response.)

MS. FREEMAN: Debate is closed on Section 6. All those in favor of adopting Section 6 please say aye.

(A chorus of ayes.)

MS. FREEMAN: Opposed.

(A chorus of nays.)

MS. FREEMAN: Abstentions.

(No response.)

MS. FREEMAN: Section 6 is adopted. Delegate Talmadge Moore.

MR. T. MOORE: Madam President, I move that the entire article on local authority be adopted as amended.

A DELEGATE: Second.

MS. FREEMAN: It's been moved and seconded that we adopt the article on local authority and its report. Is there discussion on that motion? Delegate Rothschild.

MR. ROTHSCILD: Basically, I think the article on local government is saying we don't know what to do so we are throwing it off on the state legislature to do it for us.

MS. FREEMAN: Excuse me, Delegate Rothschild, I want to make sure we maintain a quorum and some decorum here. as well. Delegate Rothschild has the floor.

MR. ROTHSCILD: I think it's just an indication of

the lack of time to think things through clearly, and I don't think we have really given good instructions to the legislature, what we might want out of it. Considering everything, probably giving them no instructions or little instructions is the best we can do. Therefore, I vote for it.

MR. T. MOORE: I would like to respond to that remark of Mr. Rothschild. Local government was a subject about which there was little experience--(simultaneous discussion.)

MS. FREEMAN: Delegate Moore has the floor.

MR. T. MOORE: I am responding to Mr. Rothschild for the committee. Local government was the subject for which there was little experience for the committee to provide a useful point of departure, particularly with the uniqueness of the District of Columbia where it is more or less considered a city, county and a state government.

.Since there were no direct precedents, the committee decided after having several consultants, local mayors, congressman, civic leaders and ordinary citizens in a manner that we brought out a definite structure in the beginning until we had these consultants, that the local government article should consist of general statements rather than detailed descriptions and criteria.

The proposed article which you just adopted allows

a great degree of self-determination of local affairs by local units. They do have the power for charter. So I just wanted to get that on the record that we were not spinning our wheels.

MR. ROTHSCCHILD: Oh, I didn't say you were spinning them.

MS FREEMAN: Delegate Barnes.

MR. BARNES: I call the question.

A DELEGATE: Second.

MS. FREEMAN: It has been moved and seconded that we close debate on the adoption of the article on local authority and its report. All those in favor of closing debate please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

-(No response.)

MS. FREEMAN: All those in favor of adopting the article on local authority and its report please say aye.

(A chorus of ayes.)

MS. FREEMAN: All those opposed.

(A chorus of naves.)

MS. FREEMAN: Abstentions.

(A chorus of abstains.)



MS. FREEMAN: The article and its report is adopted. May I hear a motion to recess?

A VOICE: Adjourn.

A SECOND VOICE: Second.

MS. FREEMAN: All those in favor of adjourning until tomorrow at 4:00 please say aye.

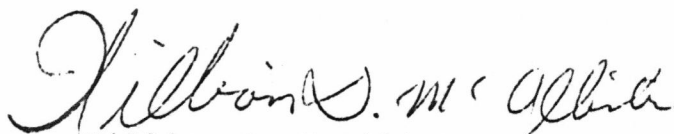
(A chorus of ayes.)

MS. FREEMAN: We are adjourned until 4:00.

(Whereupon, at 10:56 p.m., the proceedings adjourned to reconvene at 4:00 p.m., the following day.)

#### CERTIFICATE OF REPORTER

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; that this transcript is a true and accurate record to the best of my ability.

  
William D. McAllister, CM  
Reporter